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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,036	07/24/2006	Susanne Kronenberg	3926-246	7260
41288	7590	12/22/2008		
PATENT CENTRAL LLC				
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Hollywood, FL 33020				
EXAMINER				
JACKSON, JAKIEDA R				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
12/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,036

Applicant(s)

KRONENBERG ET AL.

Examiner

JAKIEDA R. JACKSON

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD/CS)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2008 has been entered.

Response to Arguments

2. Applicant argues that the prior art cited does not disclose *a/ways* initialize *each* dialog step with a shortened prompt on the part of the speech dialog system independent of user's expertise. Applicant's arguments are moot in view of new grounds of rejections.

Khosla et al. teaches a method of outputting a prompt for each dialog step. What is considered shortened prompts can be debatable. If an incorrect response is detected, the system disambiguates the query and then continues on with the remaining prompts, being the same length (i.e. it is not shortened or lengthened). It continues with the normal routine of prompts. If an ambiguous answer is received (no response, incorrect response), then prompting said automatic unit to elicit further input from a user until a more sufficient query has been formulated (paragraphs 0021, 0032 and 0076-0083 and 0097).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Surace et al. (USPN 6,144,938), hereinafter referenced as Surace in view of Khosla et al. (PGPUB 2007/0162280), hereinafter Khosla.

Regarding **claim 7**, Surace discloses a method for user-adaptive dialog guidance for a speech dialog system (dialog interaction; column 3, lines 62-66), in which a speech prompt is output by the speech dialog system (prompt is selected for output; column 10, lines 60-64), wherein in response to this the speech dialog system waits for an utterance by the system user, for which purpose a speech recognition system is activated in order to understand the utterance by the user (includes terms that are recognized by voice user interface; column 10, lines 60-64), wherein the system differentiates inexperienced (novice) and experienced users (expert; column 9, lines 3-24) and outputs a detailed prompt to inexperienced users (prompts become longer), while it uses a shortened prompt for experienced users (prompts become shorter), characterized in that a dialog step with a shortened prompt is initialized on the part of the speech dialog system (prompts should become shorter), after which a detailed prompt is output if there is no utterance by the system user in response to the shortened prompt after a specific time (column 10, lines 26-36 with appropriate length; column 9,

lines 3-24 and columns 25-26), but does not specifically teach always initializing a dialog step with a shortened prompt on the part of the speech dialog system independent of a user's expertise.

However, Surace teaches that the prompt rule is based on a social-psychology empirical observation that the length of prompts should become shorter within a session and across sessions, unless the user is having trouble, in which case the prompts should become longer (e.g., more detailed), column 10, lines 26-36. This suggests that the lengths start off short and becomes shorter unless the user experiences difficulty. At that time, the prompts will become longer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Surace's invention starts with a shorter prompt based on social-psychology empirical observation, independent of the user's expertise and becomes longer as the user is having trouble, to apply the concept of team affiliation which is based on social-psychology empirical observation, to show that the user of the system is more likely to enjoy and prefer using the system if the user feels a team affiliation with the system (column 12, lines 1-22). That is, the system provides a user friendly environment for operating the dialog system, such that the correct actions are being taken accordingly and that one will not become frustrated.

Surace teaches a method for user-adaptive dialog guidance, but does not specifically teach always initializing h dialog step with a shortened prompt.

Khosla discloses a method of always initializing a dialog step with a shortened prompt (paragraphs 0021, 0032 and 0076-0083 and 0097), in order to elicit an utterance.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Surace's method as described above, in order to summarize lengthy sentences (paragraph 0097 and elicit an utterance (paragraph 0021).

Regarding **claim 8**, Surace discloses a method wherein the shortened prompt occurs in the form of a short audible signal (length of prompts should become shorter; column 10, lines 26-36).

Regarding **claim 9**, Surace discloses a method wherein if the system user repeatedly fails to make an utterance in response to the shortened prompt (having trouble), the time period for the speech recognition timeout after which a detailed speech output occurs is shorted (column 10, lines 26-63 with column 22, lines 50-60).

Regarding **claim 10**, Surace discloses a method wherein the time period for the speech recognition system timeout is shortened as the number of instances in which there is no utterance in response to the shortened prompt (user has not provided a response) increases and occurs in a plurality of stages (column 22, lines 50-60).

Regarding **claim 11**, Surace discloses a method wherein if the system user already responds to the shortened prompt (lengths of prompts become shorter) the time period for the speech recognition system timeout is prolonged (column 10, lines 26-36 with column 22, lines 50-60).

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Regarding **claim 12**, Surace discloses a method wherein the speech dialog system is configured in such a way that the system user can interrupt the outputting of the prompt by prematurely inputting a speech utterance (interrupt/barge-in; column 7, lines 48-61).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jakieda R Jackson/
December 15, 2008

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626